



Saint Martin's

SAFER RECRUITMENT POLICY

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Introduction

Saint Martin's School ("the School") is committed to ensuring the best possible environment for the children and young people in its care. Safeguarding and promoting the welfare of children and young people is our highest priority. To achieve this, we have implemented systems designed to prevent unsuitable people working with our pupils and to create a culture of safe recruitment.

In order to achieve this, the School operates safe recruitment procedures which ensure that all required checks are carried out on staff and volunteers who work with children. The School is an Equal Opportunities employer and recruitment procedures will be carried out regardless of age, ability, status, gender, sexual orientation or ethnic group and with due regard to any medical or other disability.

The Governing Body undertakes an annual review of the School's policies and procedures relating to safeguarding and to ensure that the specified duties have been carried out.

These systems are designed to comply with the guidance given by the Department of Education in "Keeping Children Safe in Education" and Part 4 of the Schedule to the Education (Independent School Standards) Regulations 2014 and form an element of the School's Child Protection Policy.

Scope of this Policy

This Policy refers and applies to staff directly recruited and employed by the School. In the Education (Independent Schools Standards) (England) Regulations 2015, staff are defined as:

Any person working at the School whether under a contract of employment, under a contract for services or otherwise than under a contract, but does not include supply staff or a volunteer.

Supply staff and volunteers are dealt with separately in this Policy.

When carrying out recruitment, the following procedures are to be carried out and include pre appointment checks for successful candidates:-

- Advertisements in the press are to include the statement: "This School is committed to safeguarding and promoting the welfare of children and all staff must share this commitment."
- A standard application form is to be used which is to be completed in full. CVs will not be accepted in substitution for completed application forms.
- The job description makes reference to the responsibility for safeguarding and promoting the welfare of children and includes main duties and responsibilities.

- The person specification, where used, is to include specific reference to suitability to work with children and to identify the extent of relationships and contact with children. All criteria relating to safeguarding will be regarded as “Essential” and weighted heavily.
- Comprehensive information is to be obtained and scrutinised from applicants and any discrepancies or anomalies resolved.
- The School will always request a reference from the current or most recent employer.
- Explanation of any gaps in employment will be required and a record maintained to show that the explanation is satisfactory.
- At least two independent professional and character references that answer specific questions to help assess an applicant’s suitability to work with children are to be obtained direct from referees. At least one reference should be obtained prior to interview and any concerns followed up before interviewing shortlisted candidates. Where contact is by phone, detailed notes are taken, signed and dated.
- Face to face interviews are to be carried out to explore the candidate’s suitability to work with children as well as his/her suitability for the post. At least one member of the interview panel is to have completed training in safer recruitment by a provider accredited by the Safer Recruitment Consortium or Solihull Local Safeguarding Children’s Board.
- The recruitment process is to be recorded in writing.
- The applicant’s identity is to be verified at interview by reference to documents provided by the applicant. These must include photographic identity such as a passport or driving licence and proof of address such as a utility bill or bank statement. Copies of proof of identity are kept on personnel files stored in a secure place.
- Pre-appointment checks are recorded on a separate form and where relevant on the Single Central Register and held in the personnel file of the staff member. The qualifications claimed by the applicant are to be verified; photocopies are kept on personnel files stored in a secure place.
- Right to work in the UK is verified by following the Home Office Guidance “Employer’s Guide to Right to Work Checks May 2015” found at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/426964/an_employers_guide_to_right_to_work_checks_may_2015_final.pdf

- If a person has lived or worked outside the UK, any further checks which are necessary are carried out following Home Office Guidance on criminal record checks for overseas applicants and the employment of overseas-trained teachers. For UK trained teachers, anyone who has lived outside of the UK for more than three months in the last five years and has not worked in a school since their return will be the subject of further checks.
- A prohibited list check is carried out for teaching staff with the National College for Teaching and Leadership (NCTL) to ensure no person carries out work or intends to carry out work at the School in contravention of a Prohibition Order or Interim Prohibition Order. The Head will access the NCTL Employer Access On-line service to make the check.

Teaching includes planning and preparing lessons and courses , delivering and preparing lessons, assessing developments, progress and attainment, unless subject to the direction and supervision of a teacher. The Head will make an assessment on which staff will be “teaching” .

- A prohibited from management of independent schools direction (“ s128 direction”) check is made if the appointment is for a Head, Senior Leadership team, Extended Leadership team and Head of Departments. For staff in regulated activity, this check is done via the DBS and “Child Workforce Independent School” completed in Box 61. For other staff, the Head will check the NCTL Employer Access On-line service.
- Health, history and physical capacity to carry out the job are to be verified. A self-declaration of medical fitness for the post is to be completed on appointment. Where appropriate a full medical may be required.
- A certificate for an enhanced Disclosure and Barring Service (DBS) check which includes barred list information for those engaged in regulated activity is obtained (see Appendix 2) or checked if the individual has joined the DBS Update Service and consents to an on-line check.
- Any checks required under the Childcare Disqualification Provisions (see p10).

Documentation submitted for applicants is retained on file for candidates appointed for the duration of their employment and for at least two years after leaving. Applications from candidates not interviewed are safely destroyed after recruitment and retained for a minimum of six months for candidates who attended interview. Candidates who attend interview are to bring documents for verification.

Enhanced DBS checks are to be instigated by the School and EYFS staff must be checked before they have unsupervised access to children. The certificate must be obtained before, or as soon as practicable, after appointment.

The DBS certificate is sent to the applicant and must be shown to the school before an applicant takes up a post.

Where the DBS certificate remains outstanding at the time an individual begins work (but the application has been made), a check against the Barred List will be obtained; staff are to be warned that they will be subject to additional supervision until the certificate arrives. Any safeguards will be reviewed at least every two weeks with the individual being told what the safeguards are. A note will be made on the Central Register (see below) together with evidence of the measures put in place.

Copies of DBS certificates will be taken only with the candidate's consent and are retained for a maximum of six months.

Having a conviction will not necessarily bar someone from a job working with children and candidates will be encouraged to declare any unspent or spent convictions they may have. Posts within schools are exempt from the Rehabilitation of Offenders Act 1974 and a criminal record will not discount someone from being shortlisted. See Appendix 3.

Single Central Register

The school keeps a single central record ("the Register") which covers

- All staff (including supply staff); and
- All members of the Governing Body (the Proprietors).

Where checks are carried out on volunteers, these are also recorded on the Register. This includes checks on visiting speakers carried out under the School's Prevent Duty.

The Register records checks carried out during the recruitment process and will show details of all staff who were initially employed by the School before the current procedures were instigated. The format is as specified in the current version of the Independent Schools Inspectorate Handbook and includes the prohibition from teaching and the prohibition from management check

Records of those no longer employed or volunteering are only removed at the end of each academic year.

Agency staff

The School will obtain written notification from any agency or third party organisation that all required checks have been carried out to the extent relevant to that person and in respect of an enhanced DBS, that written notification has been received that confirms the certificate has been obtained on an individual which the School would otherwise perform. Where the position requires a barred list check, this must be obtained by the agency prior to appointing that individual. The School must see the disclosure certificate but will not keep a copy.

The School will check that the person presenting themselves for work is the same person on whom the checks have been made.

The School will require written confirmation from the agency that they have undertaken the Childcare Disqualification checks referred to at page 10 .

The School will record on the Register;-

- Date of written notification from the supply agency that it has made checks of
 - Identity
 - Barred list
 - Qualifications
 - Overseas check (where applicable)
 - Right to work in the UK
 - Prohibition from teaching
 - The CV/application form
 - References
 - Medical fitness declaration
 - Childcare Disqualification Checks (if relevant)
- Date of written notification that it or another agency has received an enhanced disclosure and the date of the disclosure
- Whether the agency has supplied a copy of the enhanced criminal record certificate
- The School's identity check

Own Supply Staff/Peripatetic Music teachers/Invigilators

For occasional staff who are in regular contact with the School (although maybe not permanently employed) a record of their contact will be retained to ensure continuity within a 3 month period. If this time has passed, a new DBS or Barred List check (as appropriate) will be made unless the member of staff has subscribed to the update service.

Visiting professionals

Any individuals working at the School but employed by a third party (e.g. nurse, psychologists, sports referees) should be checked by their employing organisation with checks confirmed in writing to the School. Their identity will be checked.

Existing Staff

If the School becomes concerned about a member of staff's suitability to work with children, all checks carried out on a new member of staff will be carried out.

If a member of staff moves from non-regulated activity to regulated activity, the relevant checks for regulated activity will be carried out.

The School has a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child where

- The individual has received a caution or conviction for a relevant offence or the School has a reasonable belief that they have committed a relevant offence; and
- The individual has been removed from working in regulated activity (or would have been had they not left).

Relevant offences are set out in the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009(as amended).

The School will also consider a referral to the NCTL where a teacher has been dismissed (or would have been had they not resigned) and a Prohibition Order may be appropriate. The School will consider the guidance issued by the NCTL on its website and the Teacher misconduct; the prohibitions of teachers guidance (July 2014).

Volunteers

Under no circumstances will a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in a regulated activity.

All volunteers are given a Safeguarding induction with one of the Designated Safety Leads and provide proof of identity.

The school will require an enhanced DBS certificate for volunteers who are in regulated activity (regularly teach or look after children or provide one-off personal care) which will include barred list information if the volunteer is new to working in regulated activity.

Existing volunteers in regulated activity will not be rechecked if they have already had a DBS check which included barred list information.

The school may require an enhanced DBS certificate for volunteers who are not engaged in regulated activity but come into contact with children regularly and are supervised but is not legally permitted to request barred list information. Supervision must be by a person who is in regulated activity, regular and day to day and reasonable in all the circumstances to ensure the protection of children. See Guidelines at Appendix 2.

The school will undertake a risk assessment for any volunteer not engaging in regulated activity to decide whether to seek an enhanced DBS check including

- The nature of the work with children
- What the establishment knows about the volunteer (including formal/informal information offered by staff, parents, governors and other volunteers)

- Whether the volunteer can provide referees from employment or voluntary activities
- Whether the role is eligible for an enhanced DBS check

Contractors (including their employees)

The school will ensure that any contractor has been subject to the appropriate level of DBS check;

- Contractors who are in regulated activity will require an enhanced DBS certificate which will include barred list information
- Contractors not engaged in regulated activity but whose work provides them with an opportunity for regular contact with children, will require an enhanced DBS check (not including barred list information)

Under no circumstances will a contractor in respect of whom no checks have been obtained be allowed to work unsupervised or engage in regulated activity. Written confirmation of the checks will be required.

If a contractor is self employed, the trade association should make an application for the appropriate DBS unless they have subscribed to the update service.

The identity of the contractor will always be checked on arrival at School. Employees of contractors who are working at the School on a long term basis (e.g. cleaners) are subject to the same checks as staff with written confirmation supplied by their employing organisation. Their identity will be checked by the School.

In the case of emergency, the School may use occasional or temporary contractors without the relevant checks but records will be kept showing this was done in good faith and as a last resort Unchecked contractors will not be allowed to work unsupervised and the School will assess the level of supervision required depending on the circumstances and how often the contractors will be checked.

Visitors

The School has no power to request or ask to see DBS certificates or barred list checks. The Head will use her professional judgement about the need to escort or supervise visitors.

The School has a separate Visitor Policy.

Governors

The Governing Body is the Proprietor of the school.

Before an individual becomes Chair of the Governing Body, the Secretary of State will

- Carry out an enhanced DBS check and obtain an enhanced DBS check certificate including a barred list if the Chair is to engage in regulated activity
- Confirm the individual's identity
- Confirm the individual's right to work in the UK

- If the individual has lived outside of the UK, such other checks as the Secretary of State thinks sufficient.

The School will also check if they are subject to a s128 direction; for a Chair who is in regulated activity, the check will be done on the barred list check and the School will include in Box 61, position applied for, "Child Workforce Independent School". If the Chair is not in regulated activity, the Head will access the prohibited list via the NCTL website.

The Chair of the Governing Body will, for every member of the Governing Body

- Carry out enhanced DBS checks and obtain an enhanced DBS certificate
- Confirm the individual's identify
- If the individual has lived outside of the UK, such other checks as the Chair of the Governing Body thinks sufficient.

If a member of the Governing Body is to teach, a Prohibition from teaching check will also be made with the NCTL. The Chair will also check if they are subject to a s128 direction; for a member of the Governing Body who is in regulated activity, the check will be done on the barred list check and the Chair will include in Box 61, position applied for, "Child Workforce Independent School". If the member of the Governing Body is not in regulated activity, the Chair will access the prohibited list via the NCTL website.

The Disqualification from Childcare provisions below apply to members of the Governing Body.

All checks are made in advance of appointment or as soon as practicable after appointment.

All staff and Governors are to wear identity badges when on the School site to assist the identification of unauthorised visitors.

The Register will contain the following information for each member of the Governing Body

- Enhanced disclosure
- Barred list check (if applicable)
- Prohibition from teaching check
- Identity
- Right to work in the UK
- Overseas check (where applicable)
- Disqualification from Childcare provisions (if appropriate).

Host families

Host families may be used to accommodate children on exchanges. When the arrangements are made direct between two families which accept responsibility, this can be considered a personal arrangement and outside the scope of regulated activity. However, where the family is paid, the arrangement to accommodate a child is not

made by the child's family, or the school has the power to terminate the arrangement, it is unlikely to be a personal arrangement and could constitute regulated activity. In that instance, the School would commit an offence if it knowingly allowed a barred person to undertake regulated activity, and so a DBS check including a barred list check will be obtained and suitable records kept.

The School will not be able to obtain checks on host families that may accommodate their pupils overseas, but should work with new partner schools to ensure that appropriate assurances are obtained before a visit.

Whether or not the hosting activity is regulated in the particular instance or formal vetting checks are necessitated, the School will take reasonable steps to safeguard young people participating, for example, ensuring that pupils are seen by a member of staff regularly while away from home, have access to a mobile phone with signal or know who to contact and how if they have any concerns about their own safety. They will have the mobile number of the member of staff on the trip.

Visiting Speakers

Steps taken where visiting speakers come to School, are outlined in the Prevent and Safeguarding Action Plan and checks recorded on the Register.

Childcare Disqualification Requirements

The Childcare Act 2006 and the Childcare (Disqualification) Regulations 2009 place separate and additional requirements on schools.

The law prohibits anyone who is disqualified under the Regulations or lives in the same household as another person who is disqualified or in an household in which any such person is employed, from undertaking relevant work in a relevant setting.

Who must be checked?

Relevant Person

This includes all employees, members of the Governing Body, volunteers, agency workers and other providers of services whether existing staff or a new appointment undertaking relevant work in a relevant setting.

Relevant Work

Working in connection with any Early Years care, or childcare for children in later years (below the age of 8), or being directly involved in the management of such provision (including Governors).

Relevant Setting

This includes

- all early years childcare until the September after a child's fifth birthday including any supervised activity during and outside school hours; and

- any childcare for children under 8 but older than early years which is not the normal school day or educational co-curricular clubs i.e. only non education childcare is included i.e. any crèche like facilities before and after school.

Who is disqualified?

A full list of those disqualified can be found in the DfE Guidance “Disqualification under the Childcare Act 2006” February 2015 (“the Guidance”).

Action for School and individuals

The School is responsible for ensuring that all the staff it employs have had the appropriate checks. This includes ensuring that a relevant person, doing relevant work in a relevant setting (“relevant staff”) is suitable to do so.

The School has asked all existing relevant staff to provide the relevant information not only about themselves but also about a person who lives or works in the same household as them.

The School has

- 1) Provided all relevant staff with a copy of the Guidance
- 2) Asked all relevant staff to complete a Staff Suitability declaration form copy attached at Appendix 1.

This information also forms part of the pre-employment checks undertaken on appointing new staff or new volunteers who will be “relevant staff”. The form and the DBS certificates will be checked against the list of offences in the Regulations.

Where agency staff are used, the School will require written confirmation from the agency that they have undertaken these checks.

All records, documents and information associated with these checks are stored securely and in compliance with Data Protection Laws. Checks are recorded on the Register and there is also a list of approved staff and the date of their disqualification checks.

If anyone is identified as being a disqualified person, they will be immediately removed from the relevant setting and advice sought from the School Legal Advisers and the Local Authority Designated Officer on 0121 788 4310.

They will be asked to provide the following information about themselves or any person who lives in the same household as them;

- details of any order, determination, conviction, or other ground for disqualification from registration under the Childcare (Disqualification) Regulations 2009;
- the date of the order, determination or conviction, or the date when the other ground for disqualification arose;

- information about the body or court which made the order, determination or conviction, and the sentence (if any) imposed; and
- a certified copy of the relevant order (in relation to an order or conviction).

Any relevant information passed to the school will be provided to Ofsted as soon as reasonably practicable, but at the latest within 14 days of the date the school became aware of the information.

Relevant staff are asked to notify the school if they become aware to any changes to the information provided and to confirm the information in the Staff Suitability form is still correct at the start of the September term and this is recorded on the Register and the list of approved persons.

Disqualification by association

The requirement to provide the relevant information about a person who lives or works in the same household as them, guards against an individual working with young children who may be under the influence of a person who lives with them and where that person may pose a risk to children i.e. 'by association'.

The School asks staff to complete and sign a declaration which would help identify those caught by the 'by association' requirement.

Ofsted waiver

Individuals who are disqualified are not permitted to continue to work in early or later years provision or be directly concerned in the management of that provision.

Where the School becomes aware that a member of staff is disqualified, the Head will explain the implications to the individual and advise them that they can usually apply to Ofsted for a waiver of disqualification (Ofsted cannot, for example, grant a waiver to an individual who is on the Children's Barred List).

Further details about how to make an application for a waiver can be found in the Ofsted fact sheet: Applying to waive disqualification: early years and childcare providers.

Ofsted may grant a full or partial waiver, including a waiver that would allow an individual to work in the school settings described above. Whilst a waiver application is under consideration the individual must not continue to work in these settings.

Associated Policies: Child Protection Policy / Visitors' Policy

This policy also takes due regard of the following:-

- Keeping Children Safe In Education
- Working Together to Safeguard Children
- Disqualification under the Childcare Act 2006 Guidance (February 2015)
- Information sharing: advice for practitioners providing safeguarding services to children, young people. Parents and carers (March 2015)

- Part 4 of the Schedule to the Education (Independent School Standards) Regulations 2014.

School: Saint Martin's School, Solihull

Head:

Signature: _____ Date: _____

Policy ratified by Governing Body:

Chair of Governing Body:

Signature: _____ Date: _____

New policy posted on ISI website

Mrs Kirsty Hughes

Signature: _____ Date : _____



Appendix 1 – “Staff Suitability Declaration Form”

Staff Suitability Declaration

Saint Martin's

*This form is to be completed by all relevant staff as part of pre-employment checks before employment. Staff are required to complete this form at least annually.
Anyone who satisfies the definition of a Disqualified Person under the Childcare (Disqualification) Regulation 2009 is prohibited from working in connection with an Early Years Care, Childcare for children below 8 or being involved in its management unless they have been granted a waiver from Ofsted.*

A person may be disqualified because

- *They have certain Orders, Directions or Restrictions placed upon them in relation to children or childcare*
- *They have been cautioned or convicted of certain offences; or*
- *A disqualified person lives or works in their household*

Full Name: _____

Address: _____

Please respond to the questions listed below and sign the declaration to confirm that you are safe to work with children. If you are unable to meet any of the following aspects, please disclose this immediately to The Head of Nursery to Year 6. Please tick yes or no against each point.

A copy of the Guidance issued by the Department of Education (Disqualification under the Childcare Act 2006” February 2015) is attached.

Have you been cautioned, subject to a court order, bound over, received a reprimand or warning or been found guilty of committing any offence since the date of your most recent enhanced DBS disclosure?	Yes	No
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• Are you ‘Disqualified from Caring for Children’?	Yes	No
• Have you committed any offences against a child?	Yes	No
• Have you committed any violent or sexual offences against an adult or any offence under the Sexual Offences Act?	Yes	No
• Have you been barred from working with children ?	Yes	No
• To the best of your knowledge, are you living with someone who has been barred from working with children?	Yes	No
• To the best of your knowledge, are you living in the same household as someone who has been disqualified from working with children under the Childcare Act 2006?	Yes	No
• Have your own children been taken into care?	Yes	No
• Have/Are your own children the subject of a child protection order?	Yes	No
• Are you prohibited from teaching?		

If you have answered 'yes' to any of the above, please provide further information below:

I understand my responsibility to safeguard children, and I am aware that I must notify the Head of Nursery to Year 6 immediately of anything that may affect my suitability to work with children.

I will ensure that I notify my employer immediately of any relevant convictions, cautions, court order, reprimands or warnings I may receive.

I confirm that I am not living with a person who has been disqualified from working with children.

I will ensure that I notify my employer immediately if I live with a person who has been disqualified from working with children.

Signed: _____ Date: _____

Head of Nursery to Year 6 _____ Date: _____

Please record follow-on action taken, where relevant.

Signed: _____ Date: _____

Appendix 2

What is regulated activity and supervision?

The full definitions of “regulated activity” are set out in Schedule 4 of the Safeguarding Vulnerable groups Act 2006 as amended by the Protection of Freedoms Act 2012

All REGULAR work for schools with opportunity for contact with children is regulated activity except

- Work (unless personal care) by supervised volunteers
- Work (unless care or teaching) by occasional/temporary contractors
- Work by pupils for pupils (unless in early years)

Relevant personal care is ALWAYS regulated activity. This includes helping a child (whether because of age, illness or disability) with eating, drinking, toileting, washing bathing or dressing.

Relevant health care is ALWAYS regulated activity. This is care for children provided by or under the direct supervision of a regulated health care professional.

Regular, unsupervised teaching, training, instructing, caring for or supervising children, regularly providing advice or guidance for children on well-being or driving a vehicle only for children is regulated activity.

Key questions to decide if a person is engaged in regulated activity

- Is the activity “work” i.e. visiting the Head or own child is not working)
- Is the work regular? For the purpose of assessing whether a person is working in regulated activity, ‘regular’ includes ‘frequent’ and these are defined together as follows:
 - frequently (once a week or more often),
 - or on 4 or more days in a 30-day period,

Does it give rise to opportunity for contact with children? (This applies whether or not that contact is required by the work and whether or not it actually takes place. The issue is whether there is “opportunity”.)

- Is the work for the purposes of the school? (This would not include, for example, those working for bodies hiring premises for other purposes out of school hours.)

If the answer to all these questions is “yes”, the person is working in regulated activity unless an exception as below applies:

- Is the person a volunteer?
 - If so, does their work involve personal care of pupils? (See definition of personal care, above.

If so, it is regulated activity as personal care work is always regulated activity.

- If not, are they supervised? (See supervision guidance below)

If so, the volunteer is not engaged in regulated activity as a supervised volunteer, not doing personal care work, is not in regulated activity.

- Is the person a contractor?
 - If so, are they administering personal care or health care, as defined? [These are always regulated activity.]
 - If not, are they teaching pupils? [Regular teaching is always regulated activity.]
 - If not teaching work, is the contract for occasional or temporary non-teaching work (such as, a quick plumbing task)? (There is no definition of “occasional or temporary” but see the definition of “regular”.)

If so, the contractor is not in regulated activity as non-teaching work by occasional or temporary contractors is not regulated activity.

Relevant Sections of The Department for Education Guidance on Supervision of activity with children which is regulated activity when unsupervised

3. We start with a presumption of trust and confidence in those who work with children, and the good sense and judgment of their managers. This guidance applies when an organisation decides to supervise with the aim that the supervised work will not be regulated activity (when it would be, if not so supervised). In such a case, the law makes three main points:

- there must be supervision by a person who is in regulated activity
- the supervision must be regular and day to day; and
- the supervision must be “reasonable in all the circumstances to ensure the protection of children”.

The organisation must have regard to this guidance. That gives local managers the flexibility to determine what is reasonable for their circumstances. While the precise nature and level of supervision will vary from case to case, guidance on the main legal points above is as follows.

4. Supervision by a person in regulated activity / regular and day to day: supervisors must be in regulated activity themselves. The duty that supervision must take place “on a regular basis” means that supervision must not, for example, be concentrated during the first few weeks of an activity and then tail off thereafter, becoming the exception not the rule. It must take place on an ongoing basis, whether the worker has just started or has been doing the activity for some time.

5. Reasonable in the circumstances: within the statutory duty, the level of supervision may differ, depending on all the circumstances of a case. Organisations should consider the following factors in deciding the specific level of supervision the organisation will require in an individual case:

- ages of the children, including whether their ages differ widely;
- number of children that the individual is working with;
- whether or not other workers are helping to look after the children;
- the nature of the individual's work (or, in a specified place such as a school, the individual's opportunity for contact with children);
- how vulnerable the children are (the more they are, the more an organisation might opt for workers to be in regulated activity);
- how many workers would be supervised by each supervising worker.
- how many workers would be supervised by each supervising worker.

6. In law, an organisation will have no entitlement to do a barred list check on a worker who, because they are supervised, is not in regulated activity.

EXAMPLE (from guidance)

Volunteer, in a specified place

Mr Jones, a new volunteer, helps children with reading at a local school for two mornings a week. Mr Jones is generally based in the classroom, in sight of the teacher. Sometimes Mr Jones takes some of the children to a separate room to listen to them reading, where Mr Jones is supervised by a paid classroom assistant, who is in that room most of the time. The teacher and classroom assistant are in regulated activity. The head teacher decides whether their supervision is such that Mr Jones is not in regulated activity.

Appendix 3 Policy on the Recruitment of Ex-Offenders

The School is committed to the principle of equality of opportunity and subject to the over-riding principle of protecting children, will not unfairly discriminate against any candidate for employment on the basis of conviction or other details revealed. The School makes appointment decisions on the basis of merit and ability. If an individual has a criminal record this will not automatically bar him/her from employment within the School. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out below.

The aim of this policy is to state our approach towards employing people who have criminal convictions. We will not automatically refuse to employ a particular individual just because he/she has a previous criminal conviction.

All candidates should be aware that provision of false information is an offence and could result in the application being rejected or summary dismissal if they have been appointed, and a possible referral to the police and/or DBS.

It is unlawful for the School to employ anyone who is included on the lists maintained by the DBS of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for the School to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence.

It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the School. The School will report the matter to the Police and/or the DBS if:

- the School receives an application from a disqualified person
- is provided with false information in, or in support of an applicant's application; or
- the School has serious concerns about an applicant's suitability to work with children.

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the School will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question;
- the seriousness of any offence or other matter revealed;
- the length of time since the offence or other matter occurred;
- whether the applicant has a pattern of offending behaviour or other relevant matters;
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters; and
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

If the post involves regular contact with children, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence, serious class A drug related offences, robbery, burglary, theft, deception or fraud.

If the post involves access to money or budget responsibility, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

If the post involves some driving responsibilities, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving.